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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

WARREN SMITH

Plaintiff,

v.

UNITED PARCEL SERVICE, INC., UNITED
PARCEL SERVICE FLEXIBLE BENEFIT
PLAN, and AETNA LIFE INSURANCE
COMPANY,

Defendants.

Case No. 3:17-cv-00137-HDM-WGC

**ORDER GRANTING
STIPULATION TO: (1) EXTEND
DEFENDANTS' DEADLINE TO FILE
REPLY BRIEFS AS SET FORTH IN THE
SCHEDULING ORDER AS AMENDED
BY ECF NO. 32; AND (2) ALLOW
PLAINTIFF TO FILE CORRECTED
DOCUMENT IN PLACE OF ECF NO. 37**

**[SECOND REQUEST – TO EXTEND
BRIEFING DEADLINE]**

Defendants United Parcel Service, Inc. (“UPS”) and United Parcel Service Flexible
Benefit Plan (the “Plan”), by and through their counsel, Armstrong Teasdale LLP and Thompson

1 Hine LLP (admitted *pro hac vice*), and Aetna Life Insurance Company (“Aetna” and collectively
2 with UPS and Plan, the “Defendants”), by and through its counsel, Armstrong Teasdale LLP, and
3 Plaintiff Warren Smith (“Plaintiff”), by and through his counsel Kent Law and Flanigan &
4 Bataille (admitted *pro hac vice*), hereby stipulate and agree:

- 5 1) To extend the deadline for Defendants’ to file their reply briefs in support of their
6 Motions for Summary Judgment filed on February 16, 2018 (ECF No. 33 & 34) by
7 ten (10) days, from April 27, 2018, to May 7, 2018. This is the second request to
8 extend Defendants’ reply brief deadline, and a hearing date has not been set for
9 this matter; and
- 10 2) To allow Plaintiff to replace the documents currently on file as ECF No. 37 with
11 the documents bearing ECF No. 39-1, which is the relief requested in Plaintiff’s
12 Motion to for Leave to File an Amended Pleading (ECF No. 39).

13 Pursuant to Fed. R. Civ. P. 6 and Local Rule LR IA 6-1, good cause exists to extend
14 Defendants’ reply brief deadline. Counsel that has been primarily involved in the drafting of
15 Defendants’ briefing for this matter and who will participate in drafting of the reply brief will be
16 out of the office for personal reasons for a substantial amount of time prior to the reply brief
17 deadline. As such, Defendants seek a short ten-day extension of their reply brief deadline to
18 allow counsel the time necessary to fully participate in responding to Plaintiff’s Opposition to
19 Defendants’ Motions for Summary Judgment. Plaintiff has no objection to this short extension of
20 time. This case was initially filed on March 3, 2017, thus this short extension will not result in an
21 unreasonable delay in having this matter decided. Furthermore, this stipulation is made in good
22 faith and is not intended to unduly delay the proceedings.

23 The parties also agree to allow Plaintiff to replace the document currently on file as ECF
24 No. 37 with the corrected document currently on file as ECF No. 39-1, as requested in Plaintiff’s
25 Motion to for Leave to File an Amended Pleading (ECF No. 39) (“Motion to Amend”). The
26 corrected document simply corrects the date affixed at the end of Plaintiffs’ Reply/Opposition
27 Brief and on the Certificate of Service, the footer, page numberings, and a few non-substantive
28 grammatical and formatting issues. Based on this stipulation, once it approved by the Court, the

1 relief requested in the Motion to Amend would become moot, with the Plaintiff withdrawing his
2 Motion to Amend.

3 For all of the above-mentioned reasons, the parties respectfully request that this Court
4 approve this stipulation and allowing Defendants' reply brief deadline to move from April 27,
5 2018, to May 7, 2018; further allowing Plaintiff to replace the document currently on file as ECF
6 Nos. 37 with the corrected document currently on file as ECF Nos. 39-1.

7
8 Dated this 12th day of April, 2018.

Dated this 12th day of April, 2018.

9 **FLANIGAN & BATAILLE**

ARMSTRONG TEASDALE, LLP

10 By: /s/Michel W. Flanigan

By: /s/Michelle D. Alarie

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26 *Counsel for Plaintiff Warren Smith*

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27 **ORDER**

28 **IT IS SO ORDERED.**



UNITED STATES DISTRICT JUDGE

DATED: April 13, 2018